

1 Craig A. Marvinney, 0004951 (OH)
2 John M. Skeriotis, 0069263 (OH)
3 Jill A. Bautista, 0075560 (OH)
4 BROUSE MCDOWELL
5 388 S. Main Street, Suite 500
6 Akron, Ohio 44311-4407
7 Telephone: 330-535-5711
8 Email: cmarvinney@brouse.com,
9 jskeriotis@brouse.com,
10 jbautista@brouse.com

11 *Admitted pro hac vice*

12 Donald L. Myles, Jr., 007464 (AZ)
13 JONES, SKELTON & HOCHULI, P.L.C.
14 2901 N. Central Ave., Suite 800
15 Phoenix, Arizona 85012
16 Telephone: 602-263-1700
17 Email: dmyles@jshfirm.com

18 *Attorneys for Defendant/Counterclaimant*
19 *Midwest Industrial Supply, Inc.*

20 **UNITED STATES DISTRICT COURT**
21 **IN AND FOR THE DISTRICT OF ARIZONA**

22 SOILWORKS, LLC, an Arizona
23 corporation,

24 Plaintiff / Counterdefendant /
25 Counterclaimant,

26 v.

27 MIDWEST INDUSTRIAL SUPPLY,
28 INC., an Ohio corporation authorized to do
business in Arizona,

Defendant / Counterclaimant /
Counterdefendant.

NO.: 2:06-CV-2141-DGC

**MIDWEST INDUSTRIAL SUPPLY,
INC.'S PROPOSED VERDICT
FORMS**

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VERDICT FORM #1

1. Do you find by the greater weight of the evidence that Midwest advertised a false or misleading statement of fact about Soilworks or Soilworks' products which deceived Soilworks' customers and injured Soilworks?

_____ Yes _____ No

If your answer was Yes, please proceed to verdict form #2. If your answer was No, please proceed to verdict form # 4.

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VERDICT FORM # 2

2. Do you find, by clear and convincing evidence, that Midwest made the statements in bad faith?

_____ Yes

_____ No

If your answer is Yes, please proceed to Verdict Form #3. If your answer is No, please proceed to Verdict Form #4.

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VERDICT FORM #3

3. Do you find that Soilworks is entitled to damages for its false advertising claim against Midwest?

_____ Yes

_____ No

If your answer is Yes, please fill in the amount of damages you believe Soilworks is entitled to:

\$ _____

Please proceed to Verdict Form #4

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VERDICT FORM # 4

4. Do you find by the greater weight of the evidence that Soilworks advertised a false or misleading statement of fact about Soilworks' own products which deceived Midwest's customers and injured Midwest?

_____ Yes

_____ No

Please proceed to Verdict Form #5.

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VERDICT FORM #5

5. Do you find that Midwest is entitled to damages for Soilworks' trademark infringement?

_____ Yes

_____ No

If your answer is yes, please indicate the amount of damages Midwest is entitled to:

Actual Damages \$ _____

Soilworks' Profits \$ _____

Enhanced Damages (up to treble the amount) \$ _____

Please proceed to Verdict Form #6.

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VERDICT FORM # 6

6. Do you find by the greater weight of the evidence that Soilworks infringed the Midwest Patents?

_____ Yes

_____ No

If your answer is Yes, please indicate amount of damages Midwest is entitled to:

Lost Profits \$ _____

Reasonable Royalty \$ _____

Please proceed to Verdict Form # 7.

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VERDICT FORM # 7

7. Do you find that Soilworks was unjustly enriched by its business practices
to the detriment of Midwest?

_____ Yes

_____ No

If your answer is yes, please indicate the amount of Soilworks' unjust enrichment:

\$ _____

Please proceed to Verdict Form # 8.

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VERDICT FORM # 8

Total Verdict Form

8(a). You find for Soilworks and against Midwest in the total amount of

\$_____.

8(b). You find for Midwest and against Soilworks in the total amount of

\$_____.

1 By: /s/ Jill A. Bautista
2 Craig A. Marvinney, 0004951 (OH)
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5 BROUSE MCDOWELL
6 388 S. Main Street, Suite 500
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9 Facsimile: 330-253-8601
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11 jskeriotis@brouse.com,
12 jbautista@brouse.com

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16 2901 N. Central Ave., Suite 800
17 Phoenix, Arizona 85012
18 Telephone: 602-263-1700
19 Facsimile: 602-263-1784
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/s/ Jill A. Bautista
Jill A. Bautista